

City Council Agenda

Council President
Jerry Duncan

Councilmembers

**Tom Boyajian
Brian Calhoun
Mike Dages**

**Henry T. Perea – Acting President
Cynthia Sterling
Larry Westerlund**

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

JANUARY 31, 2006

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

8:30 A.M. ROLL CALL

Invocation by Elder Lester E. Williams

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "AMERICAN HEART ASSOCIATION'S GO RED FOR WOMEN DAY" – Mayor Autry and Councilmember Westerlund

Presentation of the P.R.I.D.E. Team Certificates (Reception immediately following – 2nd floor foyer)

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of January 24, 2006

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- A. Authorize Chief of Police to enter into an agreement with One By One Leadership and complete all documents required for the Mentoring Children of Prisoners Grant Program – Police Dept.

Action Taken:

1. * **RESOLUTION** - 50th amendment to AAR 2005-286 appropriating \$71,300 of grant funds to fund one (1) Community Service Officer II position and one (1) Cadet I position from January 10, 2006 through July 29, 2006 (***Requires 5 affirmative votes***)

Action Taken:

2. * **RESOLUTION** - 19th amendment to PAR 2005-287 adding one (1) Community Service Officer II position and one (1) Cadet I position

Action Taken:

- B. * Award a contract to Steve Dovali Construction to construct water well improvements at Pump Station 230A – Dept. of Public Utilities

Action Taken:

- C. * Award a contract to Emmett's Excavation, Inc. for the Fresno Chandler Executive Airport storm drain project – Airports Dept.

Action Taken:

- D. * Award a contract to Bill Marvin Electric, Inc. for the installation of rental car lot lighting at Fresno Yosemite International Airport – Airports Dept.

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- E. **RESOLUTION** - Dedicating certain City-owned property for public pedestrian walkway purposes, property located on the north side of W. Barstow Avenue west of N. Golden State Boulevard ***(Property located in District 2)*** – Public Works Dept.
Action Taken:
- F. * Approve the sale of an abandoned water well site located at S. Judy Avenue and E. Garrett Avenue to the adjacent property owner ***(Property located in District 5)*** – Public Works Dept.
Action Taken:
- G. * Approve corrections to Article VII, Section B.3., Article VII, Section I, and Article VII, Section J of the Memorandum of Understanding (MOU) with the International Association of Firefighters, Local 753 (Fire Management - Unit 10) – Personnel Dept.
Action Taken:
- H. **RESOLUTION** - Approving the Final Map of Tract No. 5343 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director and Planning and Development Director to execute the necessary documents ***(Property located in District 4)*** – Planning and Development Dept.
Action Taken:
- I. * Approve agreement for professional services with Simon & Company, Inc. for lobbying and legislative services in Washington, DC – City Manager's Office
Action Taken:
- J. * **BILL NO. B- 5 – (Intro. 1/24/2006) (For adoption)** – Amending Ordinance No. 2004-88 relating to the criteria on the use of public resources and reimbursement of expenses for the Mayor and Councilmembers - City Attorney's Office
Action Taken:
- K. * **BILL NO. 3 – (Intro. 1/24/2006) (For adoption)** - Amending Section 2-1826 of the Fresno Municipal Code relating to the repayment period for the redeposit of contributions in the Employees Retirement System – Retirement Office
Action Taken:
- L. * **BILL NO. B-4 – (Intro. 1/24/2006) (For adoption)** – Amending Section 9-802 of the Fresno Municipal Code relating to the definition of "blighted building" and Section 9-811(g) relating to administrative penalty for non-compliance with vacant building plan – Planning and Development Dept.
Action Taken:
- M. * **BILL NO. B-6 - (Intro. 1/24/2006) (For adoption)** – Amending Subsection (25) to Section 8-401 of the Fresno Municipal Code, relating to prohibiting smoking in parks – PR&CS
Action Taken:
- N. Adoption of documents relating to the Employees and Fire and Police Retirement System – Retirement Office
1. **BILL - (For introduction)** - Amending various sections of the Fresno Municipal Code relating to the status of domestic partners under the First Tier of the Fire and Police Retirement System
Action Taken:
2. **BILL - (For introduction)** - Amending various sections of the Fresno Municipal Code relating to the status of domestic partners under the Second Tier of the Fire and Police Retirement System
Action Taken:
1. **BILL - (For introduction)** - Amending various sections of the Fresno Municipal Code relating to the status of domestic partners under the Employees Retirement System
Action Taken:

JOINT REDEVELOPMENT AGENCY GENERAL CONSENT

- O. Approve request for Conflict of Interest waiver requested by Dale Bacigalupi of the Law Firm of Bacigalupi, Neufeld and Rowley, regarding City-North Central Fire Protection District Mutual Aid negotiations **(Council and Agency action)**
Action Taken:

2. CITY COUNCIL

- A. Selection of City Attorney – City Attorney Selection Committee
1. Approve selection process for appointment of new City Attorney
Action Taken:
 2. Approve appointment of James Sanchez as Interim City Attorney
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION** – Appearance by AJ Dhali, Esq. to inform Council that the organization named Fresno Acorn will be operating a no cost VITA (Voluntary Income Tax Assistance) site in the City of Fresno
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:15 A.M. GENERAL ADMINISTRATION

- A. Conditional approval of Home Investment Partnerships (HOME) Program Loan Funds in the amount of \$1,800,000 to SADI LLC for construction of a 104-unit affordable rental housing development, southeast corner of Maple and California Avenues **(Project located in District 5)** - Planning and Development Dept.
Action Taken:
- B. Conditional approval of Home Investment Partnerships (HOME) program loan funds in the amount of \$1,200,000 to AMCAL Multi-Housing INC. for construction of a 69-unit affordable rental housing development, northwest of Elm and Jensen Avenues **(Project located in District 3)** - Planning and Development Dept.
Action Taken:
- C. Annual update of priority ranking lists for new traffic signal installations, traffic signal left turn phasing and intersections covered by traffic signal impact fees – Public Works Dept.
Action Taken:
- D. * **RESOLUTION** - 60th amendment to the AAR No. 2005-286 rebudgeting capital funds for multiple projects in the Parks, Recreation and Community Services capital improvement plan and Palm Lakes Golf Course operating fund **(Requires 5 affirmative votes)** – PR&CS
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:15 A.M. HEARING to consider Rezone Application No. R-05-75, and environmental findings, filed by Gregg C. Watson, pertaining to approximately 0.22 acre of property located on the southwest corner of the intersection of E. California and S. Lotus Avenues, east of and adjacent to State Route 99 - **(Property located in District 3)** - Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-05-75/V-05-23, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the C-5 (*General Commercial*) and R-2 (*Low Density Multiple Family Residential*) zone districts to the R-1 (*Single Family Residential*) zone district

Action Taken:

10:20 A.M. HEARING to consider Rezone Application No. R-05-49 and environmental findings, filed by Generation Homes, Inc., pertaining to approximately 19 (net) acres of property located on the north side of W. Clinton Avenue between N. Polk and N. Hayes Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency **(Property located in District 1)** – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-05-49/T-5560, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-R (*Rural Residential, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

Action Taken:

10:30 A.M. HEARING to consider Plan Amendment Application No. A-04-37, Rezone Application No. R-04-112, Conditional Use Permit Application No. C-04-341, and environmental findings, filed by Derrel's Mini Storage, pertaining to 13.44 acres of property located on the west side of S. Clovis Avenue between E. Jensen and E. Church Avenues. The applications would authorize development of a mini-storage project with temporary RV storage and caretaker's residence. The project also includes the detachment of the subject property from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency **(Property located in District 5)** - Planning and Development Dept.

Action Taken:

- a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-04-37/R-04-112/C-04-341

Action Taken:

- b. **RESOLUTION** – Amending the 2025 Fresno General Plan and the Roosevelt Community Plan from the medium density residential planned land use designation to the office commercial land use designation

Action Taken:

- c. **BILL** - Amending the Official Zone Map to rezone the subject property from the AE-20 (*Exclusive Twenty Acre Agricultural, Fresno County*) zone district to the S-L/UGM/cz (*Storage Limited/Urban Growth Management/conditions of zoning*) zone district

Action Taken:

- d. **RESOLUTION** – Approving Conditional Use Permit Application No. C-04-341

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:45 A.M. #1 **CLOSED SESSION**

- A. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6**
City Negotiator(s): Kenneth Phillips
Employee Organization(s):
1. Employee Organization: Fresno Airport Public Safety Supervisors (FAPSS)
Action Taken:
- B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)**
1. **Case Name:** Admiral Insurance v. Crippen , et al
2. **Case Name:** Crippen v. City of Fresno (Health and Safety)
3. **Case Name:** City of Fresno v. Crippen (Writ of Mandate)
4. **Case Name:** Crippen v. City of Fresno
Action Taken:
- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)**
Significant Exposure to Litigation:
1. County of Fresno v. City of Fresno claim; City of Fresno v. County of Fresno claim
Action Taken:

10:45 A.M. #2 **JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**

- D. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)**
1. **Case Name:** Heritage Fresno; Friends of Armenian Town v. Redevelopment Agency of the City of Fresno; Fresno Superior Court No. 05CECG00012; Heritage Fresno; Friends of Armenian Town v. City of Fresno; Fresno Superior Court No. 06CECG00162
Action Taken:

10:45 A.M. #3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

2:00 P.M. **CONTESTED CONSENT CALENDAR**

2:30 P.M. **HEARING** to consider Plan Amendment Application No. A-05-02, Rezone Application No. R-05-26 and environmental findings, filed by Paynter Realty and Investments, Inc., pertaining to 17.3± acres of property located on the southwest corner of W. Herndon and N. Brawley Avenues – **(Property located in District 2)** - Planning and Development Dept.
(Continued to 5:00 P.M. this date)

3:00 P.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of January 10 and 24, 2006

Action Taken:

- A.** Access Fulton Mall and make recommendations to Council/Redevelopment Agency by September 1st. - Councilmember Calhoun
Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

5:00 P.M. **HEARING** to consider Plan Amendment Application No. A-05-02, Rezone Application No. R-05-26 and environmental findings, filed by Paynter Realty and Investments, Inc., pertaining to 17.3± acres of property located on the southwest corner of W. Herndon and N. Brawley Avenues **(Property located in District 2)** – Planning and Development Dept.

Action Taken:

- a. Environmental Assessment No. A-05-02/R-05-26/S-05-315/C-05-179, determination of initial study identifying significant potential adverse environmental impacts which may be associated with the proposed project should it be approved and implemented. Based upon this information, the City of Fresno may choose to deny the proposed project. Should the City Council choose to further consider the proposed project, it is recommended that preparation of an environmental impact report be completed in accordance with applicable provision of the California Environmental Quality Act (CEQA) Public Resources Code, Division 13, and the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb.	7 -	10:00 A.M.	HEARING re: Rezone Application No. R-04-99, filed by Noyan/Frazier Properties, LLC
Feb.	14 -	10:00 A.M. #1	HEARING re: Community Facilities District No. 2, Annexation No. 111, Tract No. 5356
Feb.	14 -	10:00 A.M. #2	HEARING re: Community Facilities District No. 2, Annexation No. 112, Tract No. 5517
Feb.	14 -	2:30 P.M.	Bird Flu/Pandemic issue – Fire Dept.
Feb.	21 -	NO MEETING – PRESIDENT’S DAY	
Feb.	28 -	11:00 A.M.	Contested Consent Calendar
Feb.	28 -	2:30 P.M.	Presentation to discuss and accept the Mayor's Creative Economic Council Report – Mayor Autry and Acting President Perea

Feb.	28 -	5:30 P.M.	CONTINUED HEARING – Adopt a resolution designating Building 8, the Former Retail Shed of the Sugar Pine Lumber Company (Pinedale Assembly Center Site, Camp Pinedale) 7435 N. Ingram Avenue to the Local Register of Historic Resources
Mar.	7 -	10:00 A.M.	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
Mar.	7 -	10:15 A.M.	WORKSHOP - Urban Forest

Mar.	14 -	10:00 A.M.	HEARING re: the vacation of a portion of Browning Avenue east of Brawley Avenue. – Resolution of Intention No. 1049-D
Mar.	14 -	10:15 A.M.	HEARING relating to Annual Weed Abatement
Mar.	14 -	2:45 P.M.	WORKSHOP relating to inclusionary housing – Councilmember Westerlund
Mar.	14 -	4:00 P.M.	JOINT RDA HEARING on proposed amendments to the Redevelopment Plan for the Chinatown Expanded Redevelopment Project and the negative declaration prepared in connection with the proposed amendments
Mar.	21 -	NO MEETING – COUNCIL BREAK	
Apr.	11 -	NO MEETING – EASTER BREAK	
Apr.	18 -	8:30 A.M.	Presentation of the P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer)
May	2 -	3:00 P.M.	Presentation of Employee Service Awards Certificates (Reception immediately following – 2 nd floor foyer)

